

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.288 of 1994

Thursday, this the 22nd day of December, 1994.

CORAM

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

HON'BLE MR P SURYAPRAKASAM, JUDICIAL MEMBER

1. T. Sasilal, Carriage & Wagon Khalasi,
Train Examiners Officer,
Southern Railway,
Mangalore.
2. Shaik Mohammed Kasim,
Carriage & Wagon Khalasi,
Train Examiners Officer,
Southern Railway,
Mangalore.
3. R Chenthamaraakshan,
Carriage & Wagon Khalasi,
Train Examiners Officer,
Southern Railway,
Mangalore.
4. Vijayakumaran K.,
Carriage & Wagon Khalasi,
Train Examiners Officer,
Southern Railway,
Mangalore.

...Applicants

By Advocate Mr RK Venu Nayar.

Vs.

1. Union of India rep. by the
General Manager,
Southern Railway,
Madras.
2. Senior Divisional Mechanical Engineer,
Southern Railway,
Palghat.
3. Senior Divisional Personnel Officer,
Southern Railway,
Palghat.
4. Senior Divisional Personnel Officer,
Southern Railway,
Tiruchirappally.

...Respondents

By Advocate Mr K Karthikeya Panicker.

O R D E R

PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

Applicants who were initially appointed as Unscreened Khalasis in the Loco side in Palghat Division were transferred to Tiruchy Division as Khalasis. Thereafter,

they were promoted as Khalasi Helpers in Tiruchy Division. While so, they requested for a transfer back to Palghat Division. They were subsequently transferred back to Palghat Division but in the post of Khalasi and not as Khalasi helpers. Applicants have a grievance that other persons such as those in A-6 were transferred as Khalasi helpers whereas they were transferred only as Khalasis.

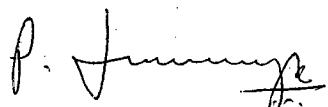
2. Respondents state that the persons referred to in A-6 were transferred as surplus staff on re-deployment whereas the applicants were transferred on their own request. So, these two cases are not on par. According to respondents, transfers on request are governed by para 312(i) and (ii) of the Indian Railway Establishment Manual, according to which transfer from one division to another division is to be accepted in the grade where there is an element of direct recruitment. There is no element of direct recruitment in the grade of Khalasi helpers; the element of direct recruitment is available only in the grade of Khalasis, according to respondents.

3. After hearing counsel on both sides, we consider that the applicants can take up the matter with the higher authorities in the first instance. We permit the applicants to make a representation to the first respondent, General Manager, Southern Railway, setting out their case in detail within one month of today. First respondent, General Manager shall pass appropriate orders on such representation, within

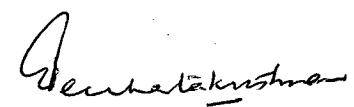
four months from the date of its receipt.

4. Application is disposed of with the aforesaid directions. No costs.

Dated the 22nd day of December, 1994.



P. SURYAPRAKASAM
JUDICIAL MEMBER



PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

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